

### **REMARKS/ARGUMENTS**

Claims 1-86 are pending in the present application. Claims 10, 21, 22, 28, 31-34, 40, 55-60, 69, 70, 76, and 79-86 were previously withdrawn. Claims 18, 51-54, and 67 were withdrawn by the Examiner. In the Office Action mailed March 7, 2006, the Examiner rejected claims 1-9, 11-12, 14-17, 19, 20, 23-27, 29, 30, 35-39, 41-46, 49, 50, 61, 63-66, 68, 71-75, 77, and 78 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,820,825 to Wang (hereinafter "Wang"). The Examiner also rejected claims 13 and 62 under 35 U.S.C. § 103(a) as being obvious over Wang. The Examiner further rejected claims 1-5 and 7-9 under 35 U.S.C. § 103(a) as being obvious over Wang in view of United States Patent No. 5,022,585 to Burgess (hereinafter "Burgess"). The Examiner objected to claims 47 and 48 as being dependent upon a rejected base claim but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of claim 42 and any intervening claims.

A. Claims 11, 12, 14-17, 19, 20, 23-27, 29, 30, 35-39, 41-46, 49, 50, 61, 63-66, 68, 71-75, 77, and 78 are Rejected Under 35 U.S.C. 102(e)

The Examiner rejects claims 11, 12, 14-17, 19, 20, 23-27, 29, 30, 35-39, 41-46, 49, 50, 61, 63-66, 68, 71-75, 77, and 78 under 35 U.S.C. §102(e) as being anticipated by Wang.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicants respectfully submit that Wang is not prior art, and therefore does not anticipate these claims.

Applicants submit herewith a Declaration under 37 C.F.R. § 1.131 swearing behind Wang's filing date of October 3, 2003. See Declaration signed by Aaron Schapper, attached as Exhibit A, and Declaration signed by Christian M. Olsen and Chadwick L. Wilson, attached as Exhibit B. In view of the Rule 131 declaration, Applicants submit that Wang is not prior art to this application and respectfully request that this rejection be withdrawn.

B. Claims 13 and 62 are Rejected Under 35 U.S.C. 103(a)

The Office Action rejected claims 13 and 62 under 35 U.S.C. § 103(a) as obvious over Wang. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142. Applicants respectfully submit that Wang is not prior art, and therefore does not render these claims obvious.

As shown above, Applicants have submitted a Declaration under 37 C.F.R. § 1.131 swearing behind Wang's filing date of October 3, 2003. In view of the Rule 131 declaration, Applicants submit that Wang is not prior art to this application and respectfully request that this rejection be withdrawn.

C. Claims 1-9 are Rejected Under 35 U.S.C. 103(a)

The Office Action rejected claims 1-9 under 35 U.S.C. § 103(a) as obvious over Wang in view of Burgess. This rejection is respectfully traversed.

The standard for establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is provided above. Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. Applicants respectfully submit that Wang is not prior art, and therefore does not render these claims obvious.

As shown above, Applicants have submitted a Declaration under 37 C.F.R. § 1.131 swearing behind Wang's filing date of October 3, 2003. In view of the Rule 131 declaration, Applicants submit that Wang is not prior art to this application.

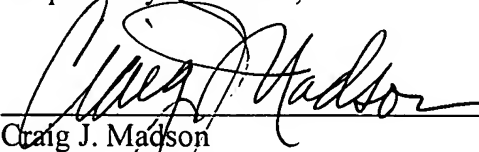
The Office Action has not cited, nor can Applicants find, any portion of Burgess that discloses, teaches, or suggests the irrigation system as recited in claim 1. Consequently, because Burgess does not disclose, teach, or suggest the irrigation system, as recited in claim 1, and Wang is not longer prior art, Applicants respectfully request that this rejection be withdrawn.

Claims 2-9 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-9 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

D. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



Craig J. Madson  
Reg. No. 29,407  
Attorney for Applicant(s)

Date: September 7, 2006

MADSON & AUSTIN  
Gateway Tower West  
15 West South Temple, Suite 900  
Salt Lake City, Utah 84101  
Telephone: 801/537-1700